REMARKS/ARGUMENTS

Applicant received the Office Action dated March 17, 2006, in which the Examiner: 1) rejected claims 2-4 under 35 U.S.C. § 112, 2nd paragraph, as being indefinite; 2) rejected claims 1-9 under 35 U.S.C. § 102(b) as being anticipated by Gentile (U.S. Pub. No. 2002/0147941, hereinafter "Gentile"); 3) rejected claims 10 and 14-20 under 35 U.S.C. § 102(e) as being anticipated by Eda (U.S. Pub. No. 2002/0178242. hereinafter "Eda"); and 4) objected to claims 11-13 as being dependent upon a rejected base claim, but otherwise allowable. With this Response, Applicant amends claims 2-4, 10, 12-13, and 15 and cancels claims 11. Based on the amendments and arguments contained herein, Applicant believes this case is in condition for allowance.

The Examiner identified several antecedent basis issues with regard to claims 2-4. These issues have been addressed by amendment as indicated above.

Regarding the art rejections, claim 1 requires a "management controller that selectively traps read accesses...that target the system ROM and, in response, causes the network interface controller to load network BIOS code from storage external to the system." Thus, according to the invention of claim 1, network BIOS code is loaded from external storage in response to trapping accesses to the system ROM. "Trapping" an access to the system ROM is a clearly defined term in Applicant's specification. See e.g., para. [0020] of Applicant's specification. Gentile does not teach or even suggest loading network BIOS code from external storage based on traps of system ROM accesses. Instead, Gentile teaches downloading network BIOS code from external storage if the local BIOS is invalid. In Gentile, an example of invalid BIOS code is corrupted BIOS code. Page 1 para. [0002]. Figure 3 of Gentile discloses step 12 in which a determination is made as to whether the local BIOS is valid. If the local BIOS is valid, the local BIOS is used and the normal boot process continues. If the local BIOS is not valid, a recovery server is located and BIOS code is downloaded therefrom. Thus, in Gentile the decision as to whether to load BIOS code from external storage is based on whether the local BIOS is valid, but in claim 1

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externally stored BIOS code is loaded upon trapping an access to the system ROM. At least for this reason, claim 1 and all claims dependent thereon are allowable over Gentile.

In the list of rejected claims, the Examiner seems to have rejected claims 3 and 4 as anticipated by Gentile, but neglected to explain how Gentile anticipates claims 3 and 4, as the Examiner articulated for the other claims. Applicant respectfully requests clarification as to how the Examiner reads Gentile on claims 3 and 4. This same issue applies with regard to an apparent rejection of claim 8 and 9 over Eda. Clarification is requested with regard to claims 8 and 9 as well.

Independent claim 5 requires a management controller to "emulate a system ROM." Eda does not disclose the emulation of a system ROM. Instead, Eda teaches that, if a BIOS server 200 is available, BIOS code from the BIOS server is downloaded to the local computer 100. If a BIOS server 200 is not available, the local computer's local BIOS code 111 is used instead. Further, Eda does not teach or suggest emulating the system ROM by trapping accesses to the system ROM, as is required by claim 5. Eda does not disclose trapping accesses to the local BIOS 111 as a mechanism to determine when the BIOS server's BIOS code is to be downloaded to the local computer 100. At least for these reasons, claim 5 and all claims dependent thereon are allowable over Eda.

The Examiner concluded that dependent claim 11 contains allowable. Applicant has amended claim 10 to include the limitations of claim 11. Thus, the Examiner should now readily agree that claim 10 is allowable as well as its dependent claims.

Claim 15 has been amended to include the word "for" to correct an inadvertent error. Claim 15 is not hereby amended to overcome the art of record. Claim 15 requires a "means for trapping read accesses from the processor to the system ROM and, in response, for causing BIOS code stored external to the system to be downloaded to the system." Eda does not teach or suggest downloading network BIOS code in response to traps of the system ROM. Eda, instead, teaches downloading external BIOS code if an external BIOS server 200
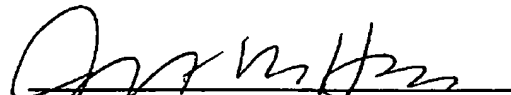
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is available. At least for this reason, claim 15 and all claims dependent thereon are allowable over Eda.

Claim 18 is a method claim that requires "determining whether a first mode or a second mode is specified." These two methods dictate whether, in one instance, emulation of a first storage device is to be performed by "downloading software from a second storage device," or in another instance, whether "software contained in the first storage device [is] to be executed." The approach that is taken depends on the mode that has been specified. In Eda, the determination as to whether external BOS code from the BIOS server 200 is to be downloaded to the local computer 100 or whether the local computer's local BIOS 111 is to be executed depends on whether access to the BIOS server 200 has been established (step S330, Fig. 3A), and not based on which of a plurality of modes has been specified. At least for this reason, claim 18 and all claims dependent thereon are allowable over Eda.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400

Jonathan M. Harris
PTO Reg. No. 44,144
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANT